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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,980	05/20/2004	Shiro Ono	19036/40133	8689
4743	7590	12/22/2005	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	
DATE MAILED: 12/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/849,980	ONO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 May 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## Detailed Action

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,916,482 to Kvilhaug in view of DE Patent No. 19824966.

Referring to claim 1, Kvilhaug discloses a carcass tilting device equipped in a spinal column processing apparatus, the device comprising, a support body – at 1, a tilting member – at 2-4, pivotally mounted on the support body – see the links of the transmission assembly – at 4, which have pivotal connections to the body – at 1, the tilting member having a contact portion – at 2-3, with which the carcass makes contact – see for example figure 1, and a drive unit – at 4, to cause the tilting member to pivot to be tilted with respect to a vertical direction such that a lower end of the tilting member is raised – see the rotational movement of items 2-3 as seen in figure 1. Kvilhaug does not disclose the apparatus is configured to suction and remove the spinal cord from a spinal cavity of a carcass of slaughtered cattle. The German patent does disclose the apparatus is configured to suction and remove the spinal cord – at 17, from a spinal cavity of a carcass of slaughtered cattle – see for example figures 1-3 and the page 7 lines 11-20 of the translation. Therefore it would have been obvious to one of ordinary skill in the art to take the

device of Kvilhaug and add the suction and removal of the spinal cord of the German patent, so as to allow for the carcass meat to be cleaner and safer since it is not contaminated with the spinal cord material.

Referring to claim 2, Kvilhaug as modified by the German patent further discloses the tilting member is pivotable around an upper end thereof – see the linkages – at 4 in figure 1 of Kvilhaug, where the uppermost linkage attached to the underside of item 2, is pivotally connected to item 2.

Referring to claim 3, Kvilhaug as modified by the German patent further discloses the tilting member is pivotable around an intermediate point between the upper end and a lower end thereof – see the middle portion of the linkage assembly at 4 in figure 1 of Kvilhaug, proximate the cylinder where the linkage has two portions pivotally connected together and these two portions are further pivotally connected to the cylinder.

Referring to claim 4, Kvilhaug as modified by the German patent further discloses the tilting member includes a plurality of tilting elements – see the piston/cylinder arrangement connected to the linkage in figure 1 or the linkage itself as seen in figure 1, which are displaceable relative to each other in a longitudinal direction of the elements – the piston extends and retracts into and out of the cylinder housing and the linkage comprises two links pivotally connected to one another, from a position where the elements overlap each other – see figure 1 of Kvilhaug, thereby causing the tilting member to extend – see for example the movement of items 2-3 in figure 1 of Kvilhaug.

Referring to claim 5, Kvilhaug as modified by the German patent further discloses a carcass press member – at 20-22, mounted in the vicinity of the lower end of the tilting member

– see figure 1, so as to be advanceable from the contact portion of the tilting member – at 2-3, toward the carcass – at 13 – see for example figure 1 and column 2 lines 28-37 of Kvilhaug.

Referring to claim 6, Kvilhaug as modified by the German patent further discloses a press portion – at 20-21, mounted at a tip end of the tilting member to be pivotable to advance from a surface of the contact portion – at 2-3, with which the carcass makes contact toward the carcass – at 13, and retract from the surface of the contact portion – see for example figure 1 and column 2 lines 28-37 of Kvilhaug, and a drive unit – at 22 or at the cylinder connected to the linkage – at 4 as seen in figure 1, mounted on the tilting member to drive the press portion to pivot – see for example figure 1 and column 2 lines 28-37 of Kvilhaug.

Referring to claim 7, Kvilhaug as modified by the German patent further discloses the tilting member is horizontally movable to be away from and close to the support body – see for example the movement of items 2-3 of the tilting member in figure 1 of Kvilhaug, where items 2-3, have both a vertical movement component and a horizontal movement component.

Referring to claim 8, Kvilhaug discloses an apparatus for working on the spinal column of a carcass comprising, a spinal column processing component – at 5-11, and a carcass tilting device – at 1-4, including a support body – at 1, and a tilting member – at 2-4, pivotally mounted on the support body – see the links of the transmission assembly – at 4, which have pivotal connections to the body – at 1, the tilting member having a contact portion – at 2-3, with which the carcass makes contact – see figure 1, and a drive unit – at 4, configured to cause the tilting member to be tilted with respect to a vertical direction such that a lower end of the tilting member is raised – see for example the movement of items 2-3 through rotation caused by the drive unit – at 4 in figure 1. Kvilhaug does not disclose a suction nozzle configured to suction

Art Unit: 3643

spinal cord from a spinal cavity of a carcass of slaughtered cattle. The German patent does disclose a suction nozzle – at 0,10, configured to suction spinal cord from a spinal cavity of a carcass of slaughtered cattle – see for example figures 1-3 and page 7 lines 11-20 of the translation. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kvilstad and add the suction and removal of the spinal cord of the German patent, so as to allow for the carcass meat to be cleaner and safer since it is not contaminated with the spinal cord material.

### *Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to carcass tilting devices in general:

U.S. Pat. No. 4,025,986 to Koken – shows device tilting a carcass

U.S. Pat. No. 4,308,638 to Senussi – shows tilt table for carcass

U.S. Pat. No. 4,337,550 to Baylor et al. – shows tilting device for carcass

U.S. Pat. No. 5,003,665 to Moritz – shows tilting mechanism

U.S. Pat. No. 5,312,292 to Rankin et al. – shows tilting mechanism for blade

U.S. Pat. No. 6,027,405 to Leining et al. – shows spinal column processing

The following patents are cited to further show the state of the art with respect to spinal cord suction devices in general:

DE Pat. No. 19757745 – shows vacuum device for spinal cord material

JP Pat. No. 2002-176907 – shows vacuum device for spinal cord material

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Parsley  
Patent Examiner  
Art Unit 3643